

**Notice of Allowability**

Application No.

10/629,105

Examiner

Christopher Onuaku

Applicant(s)

MATSUO, MASAHIRO

Art Unit

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>7/29/03</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other ____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-4 are allowable over the prior art of record.
2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the invention relates to a digital broadcast/analog broadcast receiving and recording apparatus for receiving a digital broadcast signal and an analog broadcast signal, outputting a video signal and an audio signal of a selected channel, and recording digital data generated based on the digital broadcast signal and the analog broadcast signal.

The closest references Oshima (US RE38,513) discloses a communication system for transmission/reception of a digital signal through modulation of its carrier wave and demodulation of the modulated signal, and Hasegawa (US 7,003,213) teaches an automatic broadcast program recorder adapted to automatic recording of a television program digitally broadcast.

However, Oshima and Hasegawa fail to explicitly disclose a digital broadcast/analog broadcast receiving and recording apparatus, where the apparatus further comprises wherein the control unit further comprises a replacing unit adapted to replace a portion of the first digital data wherein the C/N ratio becomes equal to or less than the predetermined threshold value with the second digital data corresponding to

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the portion for compensation based on time information contained in the first digital data and that contained in the second digital data, a second controlling unit adapted to control the record section to record the first digital data compensated with the second digital data, and erasing unit adapted to erase the second digital data recorded onto the second section.

Regarding claim 2, the invention relates to a digital broadcast/analog broadcast receiving and recording apparatus for receiving a digital broadcast signal and an analog broadcast signal, outputting a video signal and an audio signal of a selected channel, and recording digital data generated based on the digital broadcast signal and the analog broadcast signal.

The closest references Oshima (US RE38,513) discloses a communication system for transmission/reception of a digital signal through modulation of its carrier wave and demodulation of the modulated signal, and Hasegawa (US 7,003,213) teaches an automatic broadcast program recorder adapted to automatic recording of a television program digitally broadcast.

However, Oshima and Hasegawa fail to explicitly disclose a digital broadcast/analog broadcast receiving and recording apparatus, where the apparatus further comprises wherein the control unit further comprises an identifying unit adapted to identify the analog broadcast signal channel broadcasting the same program as the program on the selected digital broadcast signal channel, a first controlling unit adapted to control the record section to record the first digital data and the second digital data in

parallel as different files, and a replacing unit adapted to replace a portion of the first digital data wherein the C/N ratio becomes equal to or less than the predetermined threshold value with the second digital data corresponding to the portion for compensation.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshinobu (US 5,734,444) teach a broadcast receiving apparatus which prevents a user from missing his favorite program which is watched or listened to frequently in a television receiver or a radio receiver.

Cooper et al (US 6,901,209) teach the field of delivery of programming, including entertainment and educational programming such as that currently delivered by television and film technology.

Agnihotri et al (US 6,751,398) teach the recording of a video program in a video recorder, including a system and method for determining whether a video program has been previously recorded by a video recorder.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

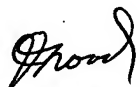
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
COO

4/13/07.

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit-2622621**